

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**MICHAEL NETHERTON,**

**Plaintiff,**

**v.**

**NANCY A. BERRYHILL,  
Deputy Commissioner of Operations of  
the Social Security Administration,<sup>1</sup>**

**Defendant.**

**Case No. 3:15-cv-0186  
Judge Aleta A. Trauger**

**ORDER**

Before the court are plaintiff Michael Netherton's Objections (Doc. No. 35) to the magistrate judge's Report and Recommendation ("R&R") (Doc. No. 34), recommending that the plaintiff's Motion for Judgment on the Administrative Record (Doc. No. 27) be denied and that the Social Security Administration's denial of benefits be affirmed.

For the reasons explained in the accompanying Memorandum, the Objections are **OVERRULED**, and the court **ACCEPTS and ADOPTS** the Report and Recommendation. The plaintiff's Motion for Judgment (Doc. No. 27) is **DENIED**, and the Social Security Administration's decision is **AFFIRMED**.

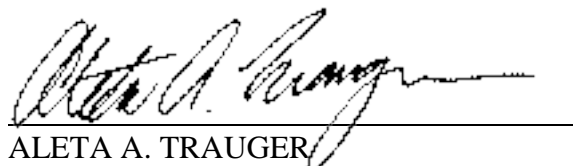
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<sup>1</sup> Nancy A. Berryhill was the Acting Commissioner of Social Security beginning January 23, 2017. However, her acting status ended as a matter of law in November 2017 pursuant to the Federal Vacancies Reform Act, 5 U.S.C. § 3345 *et seq.*, and Berryhill returned to her position of record as Deputy Commissioner of Operations. According to the agency's Social Security Administration's website, "[i]n accordance with the agency's Order of Succession, [Berryhill] continues to lead the Social Security Administration as we await the nomination and confirmation of a Commissioner." <https://www.ssa.gov/agency/commissioner.html> (last accessed March 26, 2018).

The Clerk shall enter judgment in accordance with Fed. R. Civ. P. 58(b).

It is so **ORDERED**.

ENTER this 27<sup>th</sup> day of March 2018.



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ALETA A. TRAUGER  
United States District Judge